

Chapter 226

WATER

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 8-26-1968 as Ch. 49 of the 1968 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing -- See Ch. 183.

Sewers -- See Ch. 192.

§ 226-1. Meters required.

Every consumer of water from the water supply, treatment and distribution system of the City of Pocomoke City shall and is hereby required to have installed by the City of Pocomoke City a water meter in the consumer line.

§ 226-2. Connection to city water system.

A. Charges enumerated. **[Amended 2-1-1971 by Ord. No. 220, approved 2-2-1971]**

- (1) **[Amended 8-13-1973 by Ord. No. 232]** The City Council shall establish connection charges, to be paid in advance by the consumer going on city mains, as follows:
 - (a) For a single-family residential connection, a fee in the amount as shall be determined by the Council by resolution¹ **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**
 - (b) For installation involving commercial, industrial or multiple-family uses, the connection fee shall be determined by the City Manager based upon the costs to the city.
 - © There shall be a street opening charge in the amount as shall be determined by the Council by resolution. **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**

¹Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

- (2) All of the above charges shall be paid to the Water Department Clerk.
- (3) Each consumer shall be entitled to one (1) free inspection of his or her water meter in any twelve-month period. Any subsequent meter check requested by the consumer within the next succeeding twelve (12) months that confirms the accuracy of the meter shall be charged to the consumer at a rate as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time² **[Added 5-17-1971 by Ord. No. 222, approved 6-2-1973]**

B. Discontinuance and resumption of service.

- (1) Water service may be discontinued by any consumer for any period not less than one (1) calendar month (from the first of one month to the first of the following month or from the 15th of one month to the 15th of the following month) and for such additional months as requested upon due notice to the Water Department Clerk, whereupon the Water Department Clerk will direct the consumer's meter to be read and the service discontinued, and the consumer shall be billed at the next billing date for water metered. Upon the consumer's request for the resumption of water service, the Water Department Clerk will cause the meter to be read and the service turned on, and the Water Department Clerk will, at the next billing date, charge the consumer a fee, in an amount as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time, for restoration of service⁴ Failure of the consumer to pay this fee shall place his or her account delinquent, and service may be discontinued by the city in the same manner as provided in this chapter as if said consumer had become delinquent in payment of water metered and billed⁵
- (2) No consumer shall turn on or turn off his or her water service without being in violation of this chapter and subject to the penalty as provided in § 226-6 hereof, except that the same may be turned off and turned on again under the circumstances as outlined in §226-2K hereof.

C. Applications for water and sewer connection permits shall be addressed to and be issued by the Water Department Clerk, and all consumers of the city water system and/or sewer system shall be served without discrimination but upon the express condition that if from any cause the supply of water fails, the city shall not be held liable for any damage which shall arise in consequence thereof.

D. All consumer connections to the city water system shall always be made by the city only.

²Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

⁵Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- E. All connection charges, service charges and fees collected and provided for in this section shall be credited to the city's General Water Revenue Account.
- F. Service connections shall be from the main to the nearest property line, but said service line distance shall not exceed one hundred (100) feet. Beyond one hundred (100) feet the Council may, in its discretion, require additional service connection charges as established by it under § 226-2A herein.
- G. In the event that it is determined more practical to install a service connection line across the property of any other person, firm or corporation, the consumer desiring the services shall provide the city with an easement of adequate width for the construction and maintenance of said line.
- H. All service connection lines shall be and are hereby declared to be part of the city's water system and shall always remain the property of the City of Pocomoke City.
- I. Nothing herein shall prevent the city from removing any service connection line for the purpose of relocating the same.
- J. The installation of the water meters in the service connection line on the property of the consumer or on the property of another, as provided in Subsection G herein above, shall in no way vest the title of the meter in the owner or owners of the property upon which said meter is installed.
- K. Turning on and turning off water supply.
 - (1) No person, firm or corporation shall turn on the consumer's supply of water after it has been turned off for any reason whatsoever by the City of Pocomoke City.
 - (2) Nothing herein shall prevent any person, firm or corporation, or the authorized employee, contractor or subcontractor of the consumer, from turning off said water supply for the purpose of repairs, extensions or modifications of the consumer's plumbing and thereafter, when completed, from turning the same back on.
 - (3) Any person violating the provisions of this Subsection K, even if authorized or directed by the consumer, shall be guilty of violating this chapter and shall be punished in accordance with penal provisions in § 226-6 hereafter.

§ 226-3. Water rates; bills. [Amended 1-20-1969 by Ord. No. 208; 2-1-1971 by Ord. No. 220, approved 2-2-1971]

- A. Minimum water bill. Each water bill shall be rendered for an amount, not less than the amount as shall be determined by the Council by resolution, which will allow for the use or consumption of three thousand (3,000) gallons of water. Notwithstanding the foregoing, all duly recognized and established churches or houses of worship having and holding regularly conducted weekly religious services shall be entitled to an exemption for all water consumed up to the extent of five thousand (5,000) gallons per month but

shall pay all other applicable charges or bills. **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**

B. Meter rates. [Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]

- (1) The meter rates, as shall be determined by the Council by resolution, shall be applicable to all quantities of water used or consumed in excess of that allowed under the minimum bill⁶
- (2) The above rates shall become effective upon the effective date of the resolution, and the City Manager shall make such proration of bills as shall be necessary to equitably put the new rates into full force and effect.

C. All meters shall be read on or about the first day of the month, and each consumer shall pay the amount billed on or before the 10th day of the following month⁷

D. All unpaid consumer accounts shall be delinquent at the close of business on the 10th day of the month following the month the bill is rendered, and the water service may be discontinued by the city and shall not again be restored until all sums due the city have been paid in full, plus an additional charge or fee, in the amount as shall be determined by the Council by resolution, for restoring or turning on the consumer service.
[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1988]

E. Staggered meter reading and billing.

- (1) Nothing in this section shall prevent the Water Department Clerk, with the consent of the City Manager, from districting or zoning the city for the purpose of staggering the reading of meters and billing for water consumed. However, no meter shall be read or consumer billed for metered water for less than a month after districting or zoning is complete unless service has been discontinued by the consumer under § 226-2B.
- (2) In case of staggered meter reading and billing, the consumer shall pay the amount billed on or before the 30th day following the period for which billed. The provisions set forth in Subsections C and D above shall also apply to this subsection in every respect as if the provisions herein had therein been specifically provided for.

F. All water bills or accounts shall be paid to the Water Department Clerk of Pocomoke City during the business hours of the office. The City Manager shall cause receipts to be issued for all sums paid on water accounts. The City Manager is authorized to adjust water accounts when, in his or her judgment, an error has been made in the consumer's charges.

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁷Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- G. All bills shall be sent to the property owner shown upon the city's tax assessment books. All bills not paid by the last day of the month following the month of billing shall draw interest thereafter until paid at the rate of one-half of one percent ($\frac{1}{2}$ of 1%) per month, or fraction thereof, and all such bills not so paid shall be added to the next annual tax bill of each said owner, and the City Clerk shall not accept payment for or receipt of said tax bill unless the amount so assessed against said owner, with interest thereon, is included in the amount paid. The property owner may request, in writing, that the bill be sent to another person, and upon such request the Water Department Clerk shall render all bills therefor to the person or persons designated until advised, in writing, to the contrary, provided that the property owner shall at all times be responsible for any such bill.

§226-4. Private wells. [Amended 5-17-1971 by Ord. No. 222, approved 6-2-1971]

- A. In the city and in all areas outside the city served by the city's water system, private water wells shall be permitted for outside irrigation purposes, refrigeration cooling purposes, the filling of swimming pools and for no other purposes, subject to the provisions of this chapter, and provided that under no circumstances shall the private, untreated water system be connected to the city water system and that any such well shall be limited to a depth of thirty (30) feet below normal ground level.
- B. A written permit shall be obtained from the City Manager of Pocomoke City for each private well.
- C. The initial fee for a permit required for a private well shall be in the amount as shall be determined by the Council by resolution, and the permit shall be renewed annually after inspection of the facilities. The annual permit renewal fee for each well shall be in the amount as shall be determined by the Council by resolution⁹ **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**
- D. Notwithstanding any of the provisions of this section, the use or replacement of private wells for industrial purposes may be permitted only upon specific prior approval of the City Council after formal application thereto and hearing thereon at one (1) or more regular meetings of the Council. Such Council approval shall be evidenced by a resolution adopted by the Council and spread upon its minutes. Such resolution shall set forth in precise terms the exact size, location, depth, use or uses and all other pertinent details with respect to the particular private well approval. Such resolution may also specify initial permit fees and annual permit renewal fees greater than those provided in Subsection C hereof.

§ 226-5. Seasonal restrictions. [Added 1-20-1969 by Ord. No. 208]

It shall be unlawful for any person, firm or corporation in Pocomoke City from the first day of May to and including the 30th day of September in any year to use or operate a hose or sprinkling system of any type whatsoever for the purpose of wetting, washing or sprinkling lawns, pavements, streets or any other object or thing outside a dwelling house or place of business except during the hours of 8:00 a.m. to 10:00 a.m. and the hours of 6:00 p.m. to 8:00 p.m. daily.

⁹Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

§ 226-6. Violations and penalties. [Added 1-20-1969 by Ord. No. 2010]

Any person, firm or corporation who or which shall violate the provisions of this chapter shall, upon conviction thereof, be guilty of a municipal infraction and shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time¹¹

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹¹ Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.